

PIECEMEAL AMENDMENT
OF THE
CONSTITUTION OF NEW MEXICO
1911 to 2006

by

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CONTENTS

FOREWORD	iii
INTRODUCTION	iv
THE CONSTITUTION OF NEW MEXICO	1
METHOD OF CONSTITUTIONAL CHANGE	2
Piecemeal Amendment	4
Convention Method	5
Independent Commission	6
Judicial Decision and Federal Preemption	7
EXTRAORDINARY REQUIREMENTS	8
The So-Called Unamendable Sections	8
Amendment of Compact Provisions	10
More Than One Subject Prohibited	11
REVISION EFFORTS AND EFFECT ON PIECEMEAL AMENDMENTS	12
PROPOSALS INTRODUCED IN THE LEGISLATURE	15
PROPOSALS SUBMITTED FOR RATIFICATION	17
PROPOSALS ADOPTED	19
ARTICLES CHANGED	19
REPETITION OF SUBJECT MATTER	20
VOTING INTEREST	21

SPECIAL VERSUS GENERAL ELECTIONS	22
--	----

CONCLUSION	24
------------------	----

NOTES	25
-------------	----

TABLES

1. Constitutional Amendments Submitted to New Mexico Voters (1911-2006)	27
--	----

2. Disposition of Proposed Amendments to the Constitution of New Mexico (1911-2006)	39
--	----

3. Amendments of Articles of the Constitution of New Mexico (1911-2006)	40
--	----

4. Nonparticipation on Proposed Constitutional Amendments Submitted at General Elections in New Mexico (1911-2006)	41
---	----

5. Repetition of Subject Matter in Proposed Constitutional Amendments (1912-2006)	44
--	----

6. Vote on Second Constitutional Convention Questions (1968-1969)	45
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In memory of and dedication to Richard H. Folmar, a public
servant whose vision continues to inspire.

FOREWORD

This publication was conceived in 1963 out of the realization that there was no single source or document in which legislators, the executive, the judiciary or the concerned public could find a concise history of all the piecemeal amendments that have been proposed or adopted to the constitution of New Mexico. It has been a continuing pleasure of legislative council service to have had the opportunity to fill that void in the constitutional history of New Mexico for 17 revisions of that original 1963 document.

Richard H. Folmar (1925-2006)
Santa Fe, New Mexico

INTRODUCTION

In 1943, Supreme Court Justice Thomas J. Mabry, in a speech to the state bar of New Mexico, reflected on the writing of the 1910 convention of which he was a delegate:

New Mexico's interests were varied and, in many cases, rather conflicting, and the idea of writing a constitution [that] would fairly serve the people for decades and not years merely, and which would, at the same time, pass muster in a congress then divided, politically, with a democratic house and a republican senate, and which would meet the approval of a most conservative president, was no little problem.¹

Justice, and later Governor, Mabry was correct when he prophesied that the 1910 constitution would fairly serve the people for decades and not years merely. In fact, taken as a whole, it has done so for nine decades, plus five years. However, as to amendment to that document by convention, in a little more than 20 years from 1943 the legislature would refute his observation about there being little interest for the calling of a constitutional convention. In 1969, a second constitutional convention was held and in 60 days offered to the voters a new, streamlined constitution. The revision was barely defeated by 3,702 votes. Mabry was historically correct, though, when he said, "All of the few essential amendments adopted have been made through the more simple and direct method."² The method to which he was referring is what we have since come to call "piecemeal amendment".

Piecemeal amendment of the constitution of New Mexico since 1912 has produced more than a few "essential" amendments. Exclusive of the 1911 "Blue Ballot" amendment, there have been 152 changes to the 1910 document. If we were to apportion this total over the years since statehood, the changes would be the equivalent of 1.65 amendments for each of the 92 years of our state's existence.

A majority of the convention delegates did not see the need for many changes to "one of the grandest documents ever written for a people".³ And, but for the overriding objection of congress, they would have given the voters one of the toughest amendment procedures ever written into a modern constitution. The fact that the citizens of this state have viewed the immutability of a written constitution differently than the delegates supports the admonition of Thomas Jefferson who, 126 years before the 1910 constitutional convention, maintained that no constitution can be "a perpetual law".

THE CONSTITUTION OF NEW MEXICO

The 1910 constitution ended the 59-year frustration of the people of the New Mexico territory to gain equal footing as a state among the other 46 states in the union. However, admission of the territory was not to be on an equal footing with the other states. The Enabling Act passed by congress and approved by President Taft on June 20, 1910 was really a compact specifying a long list of conditions that had to be accepted and a schedule or list of prerequisites that had to be followed. These conditions were incorporated into the new constitution as Articles 21 and 22 and so remain there today even though some of the conditions are no longer operative.

The document produced by the 1910 convention and accepted by congress and the president, but not without an additional condition, was, overall, not a bad piece of work. It was written by men of exceptional abilities who, although being products of the 19th century and of conservative bent, produced for the 20th and 21st centuries a workable governmental structure, a reasonably sound fiscal base, a solid public educational system and protections for the civil and religious rights of Hispanic citizens and their children.

The written portion of the constitution of New Mexico, as distinguished from the whole body of constitutional law, consists of a preamble and 23 articles. Briefly, the 23 articles deal with the following broad categories:

<u>Article</u>	<u>Subject</u>
1	— name of the state and its boundaries;
2	— bill of rights;
3	— distribution of powers of government;
4	— legislative department;
5	— executive department;
6	— judicial department;
7	— elective franchise;
8	— taxation and revenue;
9	— state, county and municipal indebtedness;
10	— county and municipal government;
11	— regulation of private corporations and utilities;

- 12 — education;
- 13 — public lands;
- 14 — public institutions;
- 15 — department of agriculture;
- 16 — irrigation and water rights;
- 17 — state mine inspector and mining regulations;
- 18 — militia (national guard);
- 19 — amendment and revision procedures;
- 20 — miscellaneous procedures;
- 21 — compact with the United States regarding requirement for
statehood;
- 22 — schedule for transition from territory to state;
- [23 — prohibition of intoxicating liquor — repealed]; and
- 24 — contracts for development and production of minerals on state
lands.

Article 23, adopted in 1917, prohibited the sale of intoxicating liquors in New Mexico. It was repealed in 1933 in concert with the repeal of the national constitutional prohibition that same year. With the exception of this repeal and the addition of Article 24, the practice in New Mexico has been to incorporate amendments by adding or deleting language in the pertinent article. This differs from the federal constitutional practice of making changes by adding new articles to the original document.

METHOD OF CONSTITUTIONAL CHANGE

The procedures for change in the constitution of New Mexico are set forth in Article 19 of that document. Most of the delegates at the 1910 convention had great pride in their work and did not see the necessity of making change either easy or necessary. Perhaps they failed to understand that amendment of the document was essential to its continuing life force. Procedure for amendment was a great 18th century contribution to modern political theory.

As adopted in 1910, Article 19 required that a legislative proposal of an amendment must have a two-thirds' vote of the elected members of each house voting separately. The only exception to this was for those amendments that might be proposed at the first regular session convening two years after the adoption of the constitution and at each session convening every eighth year thereafter. No more than three amendments could be submitted at any one election.

Approval of the proposed amendment required an affirmative 40 percent vote of the people in at least one-half of the counties in the state. In addition, special protection was provided for Article 7, Sections 1 and 3, the election law, and Article 12, Sections 8 and 10, pertaining to education. No amendment could be submitted to these sections "unless it be proposed by a vote of three-fourths of the members elected to each house voting separately. . .". As the final clincher, no amendment could be made to these requirements except by a constitutional convention.

When the constitution was sent to congress and the president for approval, there was a collective shaking of heads about Article 19. The new Democratic-controlled congress deemed it too harsh and on August 21, 1911 passed the Smith-Flood resolution that contained the following condition:

Before the proclamation of the President shall issue announcing the result of said election in New Mexico and at the same time that the state election aforesaid is held [the 1911 general election for new state officers] the electors shall vote on the following proposed amendment of their state constitution as a condition precedent to the admission of said state. . . .⁴

It should be noted that the condition required only the submission of the amendment proposed by congress to the New Mexico voters. It did not require that it be adopted before congress would approve the new constitution. In fact, another provision of the Smith-Flood resolution said that if the proposed change in Article 19 was rejected by the voters, the original amendment provision of the convention would be considered adopted.

The proposed amendment by congress of Article 19 was submitted to the voters at the 1911 general election on a separate paper ballot tinted blue. It was adopted by a vote of 34,897 to 22,831 and, with the exception of the recent 1996 changes, constitutes the present Article 19.

This article today authorizes only three methods for effecting change in the constitution of New Mexico. These methods may be broadly classified as legislative proposals of piecemeal amendments to the voters, amendment or revision by a constitutional convention and amendment or partial revision upon recommendation of a legislatively created independent commission to the legislature and further submitted to the voters.

Piecemeal Amendment

When the legislature proposes amendments to the voters, it is not acting pursuant to its powers under Article 4, the legislative article, but under the authority granted by Article 19. The vehicle used to propose an amendment to the voters is a joint resolution. A joint resolution proposing an amendment may be introduced in either house but only in a regular legislative session. Unlike bills, the joint resolution is not subject to the limitation on introductions after the 30th day of the odd-year session or the 15th day of the even-year session nor is it subject to a gubernatorial veto.

For most of the proposed amendments, passage and printing on the ballot results when they receive a majority of the votes of all the elected members in each house voting separately. However, proposed amendments restricting the rights created by Sections 1 and 3 of Article 7, pertaining to elections, and Sections 8 and 10 of Article 12, pertaining to education, must receive a vote of three-fourths of the members elected to each house voting separately before the amendments will be printed on the ballot.

In adopting a joint resolution, the legislature must specify whether the proposed amendment will be submitted to the voters at the general election coming in November of the even year or at a special election prior to that November date that is called for that purpose. The special election cannot be held less than six months from the date of adjournment of the legislative session.

As mentioned, under the constitution, the governor plays no procedural role in the amendment process. Passage of a joint resolution sends the proposed amendment directly to the secretary of state, who assigns it a constitutional amendment number and requires it to be printed on either the general election ballot or the special election ballot as the case may be. In addition, the secretary of state has other duties with respect to proposed constitutional amendments. Article 19 requires that this officer publish the proposed constitutional amendments in newspapers in both English and Spanish for a specified number of weeks. Also, the secretary of state is required to make "reasonable effort to provide notice of the content" of proposed amendments in indigenous languages of minority language groups.

To date, piecemeal amendment has been the only successful procedure of the three set forth in Article 19 for constitutional change in New Mexico.

Convention Method

The second method of constitutional change authorized by Article 19 is for the legislature to call a constitutional convention. The process must be initiated by the legislature (New Mexico not having a constitutional initiative) by the enactment of a joint resolution receiving at least a two-thirds' vote of all the members of each house voting separately. The question of calling a constitutional convention is then submitted to the voters at the next general election following the legislative session that proposed the question.

If the question is approved by a majority of those voting on it, the legislature is required at the next succeeding legislative session to enact a law calling the convention. Article 19 is silent as to the content of this law as it is also silent on the manner of selecting the delegates other than requiring that the number of delegates must be at least equal to the number of members elected to the house of representatives. Presumably, such a law could specify that delegates be appointed by the legislature and the governor or it could provide that the legislature itself constitutes the constitutional convention, as was once suggested by some legislators during the debate on the 1969 bill to call the second constitutional convention.

The law calling the 1969 convention provided for a nonpartisan election of 70 delegates, set the date for the election of delegates, set the date for convening and adjournment, fixed the procedure for organization, appropriated money for operation and for payment of delegates and designated the secretary of state to act ex officio as temporary presiding officer.

Once organized, the convention becomes independent with regard to its own proceedings and content of subject matter as necessary to carry out the purposes for which it was called. There is some doubt as to the legislature's power to limit the scope or content of the matters considered by the convention.

Recommendations for revisions or amendments of the constitution made by the convention must be submitted to the voters at an election date set by the convention. The 1996 amendment of Article 19 provides that revisions or amendments proposed by the convention may be submitted in whole or in part, or with alternatives, as decided by the convention. If a majority vote favors a proposal or alternative, that proposal or alternative is adopted and becomes effective 30 days after the certification of the returns unless otherwise specified by the convention.

Independent Commission

Constitutional Amendment 4, adopted at the 1996 general election, made other significant changes in Article 19. In addition to the manner in which convention recommendations can be submitted to the voters, the article now provides a third method of constitutional change. It authorizes the legislature to create an independent commission that may initiate amendments separately or grouped as a single ballot question. Any commission-initiated amendments that are not substantially altered by the legislature may be submitted to the electors in the separate or single ballot form recommended by the commission. Presumably, this provision would allow the commission to propose the revision of one or more entire articles as a single ballot issue, thereby effecting constitutional change, except to a more limited extent, much as a constitutional convention might do. As of the date of this publication, the legislature has not created by law the independent commission authorized in Article 19.

Judicial Decision and Federal Preemption

The constitution of New Mexico is the supreme law of the state except where it may conflict with the federal constitution or any federal law made pursuant to the federal constitution. Change in the state constitution may also result because of such conflict or preemption of the subject matter under the authority of the federal constitution. There are in our state constitution certain provisions that are, in fact, nullified or repealed by judicial decisions rendered pursuant to interpretation of the federal constitution or preemption by congress under the authority of the federal constitution. Following are examples.

- ◆ The first paragraph of Article 4, Section 4 apportions the state senate by county and establishes staggered terms for the election of members to that body. In 1966, a state court held this provision to be invalid because it violated the provisions of the 14th amendment of the U.S. Constitution.⁵ According to Attorney General Opinion 1988-06, staggered terms are not unconstitutional per se; however, the staggered term provision was instituted based on the one county apportionment, and thus could not be implemented.

- ◆ Article 7, Section 1 still sets the minimum age for voting at 21 years. The 26th amendment to the federal constitution provides that the right of United States citizens who are 18 years of age or older shall not be denied or their right to vote be abridged. Because of this federal amendment, a person is entitled to vote in New Mexico, regardless of the provision of Article 7, Section 1, when he reaches the age of 18.

- ◆ Article 7, Section 1 requires, as a qualification for voting, residency in the state for 12 months, the county 90 days and in the precinct in which a person offers to vote 30 days. The federal Voting Rights Act as amended in 1970 established a nationwide uniform residency period of 30 days in elections for president and vice president. This law as a matter of practice has effectively changed the residency requirements set forth in Article 7, Section 1 of the constitution of New Mexico.

- ◆ Article 9, Sections 11 and 12 limit voting on school district and municipal bonds to owners of real estate in the school district or persons who have paid a property tax in the municipality. These conditions have been rendered inoperable by a series of federal and state court decisions that held that as long as the election in question "is not

one of special interest, any classification other than residence, age and citizenship cannot stand absent a demonstration of compelling state interest." ⁶

Consent of congress was also deemed necessary for the 1967 addition of Article 24 relating to mineral leases on state trust lands for the development of geothermal steam and waters; for the 1964 addition of Article 13, Section 3 confirming patents issued to portions of land sold under contract when the balance due on the sale contract was not paid at the time of the issuance of the patent; and in 1994 for proposed but unsuccessful amendments pertaining to the investment of the permanent funds. A similar amendment (CA 1) pertaining to investment of the permanent funds was successful in 1996, with the effective date of the amendment made conditional on the consent of congress to Sections 2, 3 and 4 of the amendment. Congress approved the amendment on August 7, 1997 and President Clinton approved it a month later.

EXTRAORDINARY REQUIREMENTS

The So-Called Unamendable Sections

The civil rights of Spanish-speaking citizens of the new state with regard to voter qualification, protection from religious and racial discrimination on holding office, the requirement that the legislature provide teachers proficient in both English and Spanish and the protection of the right of children of Spanish descent to be admitted to and attend public schools was deemed of sufficient importance to be worthy of special protection by not only the framers of the constitution but also by the approving congress. This protection took the form of extraordinary requirements for amendments incorporated in Articles 7 and 12 and repeated in Article 19.

Under these provisions, no amendment restricting the rights created by Article 7, Sections 1 and 3 and Article 12, Sections 8 and 10 can be proposed except by a three-fourths' vote of the members elected to each house of the legislature voting separately and ratified by a vote of the people by at least three-fourths of those voting in the whole state. Until 1968, there was an added requirement that the amendment must also receive an approving vote of at least two-thirds of those voting in each county of the state.

The term "unamendable" became common usage with respect to these sections because of the near impossibility of obtaining the required majorities to effect amendment. For example, under the original two-thirds-in-each-county requirement, a small number of voters in a single county, such as Harding, could defeat a proposed amendment of one of these sections even though the voters in each of the other counties of the state voted overwhelmingly in support of the amendment.

To make certain that Article 19, Section 1, in which the extraordinary vote requirements also appear, could not be amended by a piecemeal change, the framers added Section 5 to that article that prohibited any amendment of Section 1 except by a constitutional convention (Section 5 was repealed in 1996). From 1912 to 1968, the "unamendable sections" remained just that, unamendable, even though from 1919 to 1964 there were 11 attempts to provide absentee voting by amending Article 7. In each case, the proposed amendment received more than a majority of statewide approval but was defeated by the extraordinary vote requirement, in particular, the two-thirds-in-each-county provision. At the special election in 1967, absentee voting was again submitted to the voters as Constitutional Amendment 7 and failed because it did not get the required two-thirds' vote in each county. This time, however, the attorney general, acting on the initiative provided by the New Mexico municipal league, went to the supreme court requesting an order to the state canvassing board to certify the adoption of the amendment regardless of the two-thirds' requirement. The attorney general argued to the court that the two-thirds' requirement violated the equal protection clause of the 14th amendment of the federal constitution. He pointed out that the amendment had received a 32,344 vote majority but was denied adoption because it failed to get a two-thirds' majority in 12 counties. The supreme court agreed with the attorney general's argument of denial of equal protection and on February 5, 1968 issued a writ of mandamus requiring the state canvassing board to certify the adoption of the amendment.⁷ With that one stroke of the judicial pen, the court cut that Gordian knot that had been since statehood an obstacle to giving the New Mexico voters the right to adopt absentee voting for themselves. The decision, in effect, only nullified the two-thirds-in-each-county requirement. It did not affect the requirement for a three-fourths' statewide majority.

Amendment of Compact Provisions

On June 20, 1910, congress passed the Enabling Act setting forth the conditions and procedures for the territories of New Mexico and Arizona to hold constitutional conventions.⁸ It also set forth certain requirements with which the proposed constitutions must comply. These mandatory provisions of the Enabling Act were incorporated in the 1910 constitution as Article 21, titled "Compact with the United States".

Section 2 of the Enabling Act and Article 21, Section 10 of the constitution declared the compact provisions irrevocable without the consent of the United States and the people of New Mexico. Any change in those provisions, in whole or in part, by a constitutional amendment cannot be made without the consent of congress. During the ensuing years since the adoption of the constitution, many of the provisions of the compliance provisions of the compact, particularly those referring to the convention procedures, are moot and no longer operative. Others of a substantive nature, such as the location of the state capitol, have been deemed by the United States supreme court to be beyond the authority of the federal congress to control while unilateral change by the state of other substantive requirements depends on a determination of the jurisdiction of congress over the subject matter. There still remain, however, other areas of the compact where any change requires the consent of congress in addition to a constitutional amendment.

Sections 6 through 9 of the Enabling Act, which pertain to specified public lands that were granted to the state to be held in trust for the benefit of designated schools and institutions and which were consented to by Article 21, Section 9, require that any constitutional change in the use of the trust must be consented to by congress.

Article 19, Section 4 of the constitution sets forth the manner in which such change is to be effected:

When the United States shall consent thereto the legislature, by a majority vote of the members of each house, may submit to the people the question of amending any provision of Article XXI of this constitution on compact with the United States to the extent allowed by the act of congress permitting the same, and if a majority of the qualified electors who vote upon any such amendment shall

vote in favor thereof the said article shall be thereby amended accordingly.

This procedure indicates that the consent of congress should be obtained before the amendment is voted on by the people. The vehicle for obtaining the consent is usually a joint resolution. Article 21 has been amended three times with the consent of congress:

- ◆ Section 5 was amended in 1912 to delete provisions requiring all state officers and legislators to be sufficiently fluent in English so as to conduct their duties without an interpreter;

- ◆ Section 11 was added in 1932 to consent to a 1926 act of congress authorizing the governor and other state officers to execute instruments to effect the exchange of lands with the government of the United States and the method of determining the value of such lands; and

- ◆ Section 1 was amended in 1953 to delete prohibition of the sale, barter or gift of intoxicating liquors to Indians or the introduction of liquors into Indian country.

More Than One Subject Prohibited

In the regular piecemeal amendment process, Article 19, Section 1 provides that if two or more amendments are initiated by the legislature, "they shall be so submitted as to enable the electors to vote on each of them separately". This is the so-called single subject doctrine.

In 1995, the single subject doctrine came under the interpretation of the state supreme court with respect to the adoption of CA 8 in the 1994 general election.⁹ The question concerned the proposal to authorize a state-operated lottery and wagering on video games of chance. The court held that the question of authorizing a lottery and the question of authorizing wagering on video games of chance should have been submitted separately to the voters "because the rights created, the means of implementation, and the subject matter and purpose of the two prongs of Amendment 8 are not interdependent, and have no direct, necessary, or logical connection in their operation."

In support of its holding, the court noted that the title of the joint resolution proposing the amendment, which described it as permitting "a statewide lottery and

certain games of chance", was technically proper but "exacerbated" the problem of logrolling that the constraint in Article 19 was designed to prevent. The court said the title did not alert the voter as to the nature or scope of the second prong of the amendment regarding the video gaming. Stated another way, CA 8 "logrolled together two independent objects by piggybacking the passage of one on the popularity of the other".

The court did provide a standard against which a proposed amendment could be tested under the single subject doctrine. It said there must be a rational linchpin joining the various elements of an amendment that would prevent "the linking of independent propositions simply by selection of a sufficient broad overarching theme".

As a result of this opinion, the court issued a writ of mandamus to the state canvassing board to not certify the 90 percent approval vote received by CA 8.

REVISION EFFORTS AND EFFECT ON PIECEMEAL AMENDMENTS

New Mexico's first attempt at wholesale revision of the 1910 constitution was the result of the six-year effort of the 1963-68 first constitutional revision commission. That effort directly resulted in the 1969 constitutional convention. On November 5, 1968, the question of calling the convention was adopted by the voters by a 44,245 margin. (See Table 6.)

As required by Article 19, the following legislative session enacted Senate Bill 166 (Laws 1969, Chapter 134) providing the enabling legislation for the convention. The law called for the convention to meet at the capitol in Santa Fe at 12:00 noon on August 5, 1969. A nonpartisan election of 70 delegates was scheduled for June 17 of that year.

After convening, the convention sat in continuous session for 60 days with the exception of one two-week recess to allow the style committee to edit and prepare in a uniform style all the articles recommended by the several committees.

The convention adjourned on October 20, 1969 after adopting a proposed new constitution for the state. The document was submitted to the voters as a single vote at a special election on December 9 and was narrowly rejected by a vote of 63,387 to 59,685.

With respect to the piecemeal amendment process, the rejected constitution would have abolished the extraordinary vote requirement on the unamendable sections. It would have required only a majority vote of all the members of each house on all piecemeal amendments. It also would have required a summary of what the amendment proposed to do to be added to the title indicating the articles and sections to be amended. The single subject requirement was to be retained.

This revision effort, although unsuccessful at the polls, was not without some rewards. The research by the commission is of considerable value as a resource for future revision studies, as was the case with the 1994-95 second constitutional revision commission. In addition, the 1970 legislature proposed for successful adoption by the voters several items in that constitution. For example:

- (1) increased terms to four years for elected state executive officers;
- (2) authorized constitutional home rule for municipalities;
- (3) provided residential requirements for members of municipal governing bodies;
- (4) by amendment of the bill of rights article, permitted citizens to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes;
- (5) authorized the legislature to provide by law for different methods to determine the value of different kinds of property for tax purposes, but with a limit of thirty-three and one-third percent on the percentage value against which tax rates are assessed; and
- (6) adopted Article 20, Section 21 declaring pollution control to be within the police power of the state.

The second constitutional revision commission was created by the legislature in 1993 and functioned until December 1995. Its members were not appointed until almost one year after the passage of the law. Its report was submitted to the 1996 legislature and consisted of drafted piecemeal amendments for changes in nine articles with special recommendation for future study and consolidation of those articles and sections pertaining to taxation, revenue and indebtedness. The recommended substantive changes were categorized into highest priority, high priority, medium priority and low priority of enactment.

Included in the highest priority of adoption were:

- (1) repeal of Article 19, Section 5 to allow amendment of Section 1 of that article without the necessity of a constitutional convention;
- (2) amendment of Article 19, Section 1 to provide an additional mechanism for submitting constitutional amendments to the voters that involve more than a piecemeal change and less than a revision of the entire constitution;
- (3) amendment of Article 19, Section 1 to eliminate the 75 percent requirement to bring about general change in voter qualifications and educational rights while preserving the important protection of minority rights; and
- (4) amendment of Article 19, Section 1 to allow the secretary of state to inform the public about the content and purpose of proposed constitutional amendments by means other than the publication of legal notices in newspapers.

The 1996 legislature proposed to the voters in the general election of that year the first three of these commission amendments with some changes and those amendments were adopted. Also adopted was the commission recommendation in support of the governor's permanent funds study committee for provisions governing investment of the permanent funds.

Also proposed and adopted in that election was an amendment pertaining to legislative per diem and mileage based on the internal revenue service regulations for Santa Fe and the repeal of Article 11 pertaining to the corporation commission and its duties and the creation instead of a unified state regulatory commission covering the functions of both the former corporation commission and the New Mexico public utility commission.

PROPOSALS INTRODUCED IN THE LEGISLATURE

Apart from performing a page-by-page search of senate and house journals from 1912 to 1951, it is difficult to list the number of introduced joint resolutions proposing amendments to the constitution. After the creation of the legislative council service in 1951, however, there has been a successful systematic maintenance of records with respect to the introduction of not only joint resolutions but also bills and other legislative materials.

During the 47 regular sessions in the period 1951-2006, a total of 1,577 proposals to amend the constitution were introduced by legislators. Of this number, 213, or 13.5 percent, succeeded in passing the legislature and were submitted to the voters for ratification. The following chart shows the breakdown of introductions and adoptions for each of the 47 regular legislative sessions.

It should be noted that the number of introductions during this period remained fairly constant — in the 30s — until 1965 when it jumped to 54 introductions from 39 the previous legislative session. From that point on, it has fluctuated from two introductions to 61. The average for introduced joint resolutions from 1951 to 2006 is 32 proposals. There is little difference between the number of introductions in the senate, with 791, and in the house, with 786, for the 47 regular sessions.

JOINT RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENTS

1951-2006

Legislature	Number Introduced		Total	Passed by Legislature	
	Senate	House		No.	Percent
1951	13	24	37	8	21.6
1953	17	21	38	11	28.9
1955	18	15	33	6	18.2
1957	12	22	34	5	14.7
1959	18	14	32	9	28.1
1961	19	13	32	13	40.6
1963	22	17	39	10	25.6
1965	21	33	54	10	18.5
1966	1	1	2	0	0
1967	18	21	39	8	20.5
1968	2	0	2	0	0
1969	5	16	21	4	19.0
1970	*11	*23	34	8	23.5
1971	27	18	45	10	22.2
1972	7	6	13	3	23.1
1973	24	37	61	7	11.5
1974	10	15	25	3	12.0
1975	29	23	52	6	11.5
1976	6	7	13	1	7.7
1977	20	14	34	2	5.9
1978	17	17	34	2	5.9
1979	20	12	32	5	15.6
1980	17	14	31	1	3.2
1981	15	17	32	3	9.4
1982	14	14	28	4	14.3
1983	8	5	13	0	0
1984	16	11	27	1	3.7
1985	11	18	29	4	13.8
1986	15	17	32	7	21.9
1987	12	16	28	0	0
1988	11	14	25	7	28.0
1989	20	10	30	1	3.3
1990	18	21	39	4	10.3
1991	20	12	32	1	3.1
1992	20	13	33	3	9.1
1993	19	16	35	*9	25.7
1994	11	11	22	5	22.7
1995	21	9	30	0	0
1996	22	15	37	7	18.9
1997	16	10	26	3	11.5
1998	12	17	29	2	6.9
1999	25	20	45	2	4.4
2000	21	17	38	0	0
2001	30	26	56	9	16.1
2002	20	21	41	0	0
2003	23	28	51	4	7.8
2004	12	14	26	<u>1</u>	3.8
** 2005	16	18	34	2	5.9
** 2006	<u>9</u>	<u>13</u>	<u>22</u>	<u>2</u>	9.1
TOTALS	791	786	1,577	213	13.5

*Proposed amendments include withdrawal of 1965, 1969 and 1993 amendments from the ballot.

**New information.

PROPOSALS SUBMITTED FOR RATIFICATION

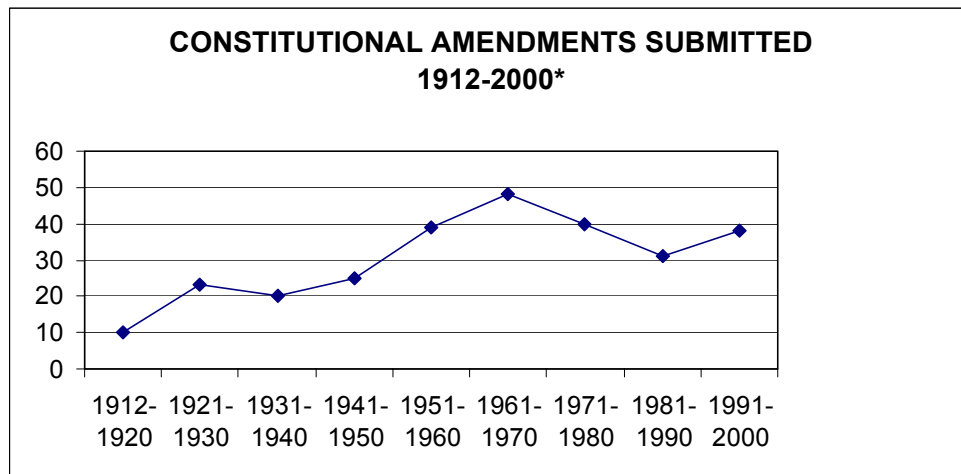
From 1912 through 2006, the voters of this state were called on to approve or reject 286 piecemeal amendments to the constitution. This does not include amendments that were withdrawn prior to election. This amounts to an average of 4.26 proposals for each of the 66 regular legislative sessions. The forty-first legislature (1993-94) and the twenty-fifth legislature (1961), with 13 proposed constitutional amendments each, share the record for submitting the largest number to the voters. (The forty-first legislature submitted 14 amendments, but one was withdrawn prior to the election by the 1994 session.) The next largest number of amendments was submitted by the fifth legislature (1921) and the twenty-first legislature (1953) with 11 proposed amendments each.

Viewed in 10-year intervals, the number of proposed amendments submitted for ratification looks this way:

<u>Years</u>	<u>Number</u>
1912 through 1920	11
1921 through 1930	23
1931 through 1940	20
1941 through 1950	25
1951 through 1960	39
1961 through 1970	48
1971 through 1980	40
1981 through 1990	31
1991 through 2000	31

It is interesting to note that more proposals were submitted during the 1961-1970 period, the decade of the first major constitutional revision effort, than during any of the preceding or subsequent decades. From 1961 through 2006, 168 amendments were submitted to the voters compared with 117 for the first 48 years of statehood.

The following graph illustrates the number of constitutional amendments submitted to the voters between 1912 and 2000:



*This does not include amendments withdrawn prior to election.

PROPOSALS ADOPTED

Of the 286 proposals submitted to and voted on by the voters from 1912 through 2006, 156, or 54.3 percent, were adopted. (See Table 2.)

NUMBER AND PERCENTAGE OF PROPOSALS ADOPTED 1912 - 2006		
<u>Years</u>	<u>Number</u>	<u>Percent</u>
1912-1920	5 }	50.0 }
1921-1930	7 } 19	26.1 }
1931-1940	7 }	35.0 }
1941-1950	12 }	48.0 }
1951-1960	20 } 57	51.3 }
1961-1970	25 }	52.1 }
1971-1980	24 }	60.0 }
1981-1990	22 } 65	66.7 }
1991-2000	19 }	61.3 }
2001-2004	11	78.6
2005-2006	4	100.0

ARTICLES CHANGED

Table 3 shows amendments to the constitution since 1911 by article. The greatest number of changes have been made in Article 4, pertaining to the legislative department, and Article 8, pertaining to taxation and revenue. Article 4 has been amended 22 times, while Article 8 has been amended 21 times. Article 12, education, has been amended 18 times; Article 6, judiciary, 14 times; and Article 5, executive, 13 times.

Articles untouched by piecemeal amendment are:

Article 1 — name of the state and its boundaries;

Article 15 — department of agriculture;

Article 18 — militia [national guard]; and

Article 22 — schedule for transition from territory to state.

REPETITION OF SUBJECT MATTER

Rejection at the polls of a particular amendment has not been an obstacle to resubmission of the amendment by succeeding legislatures or adoption by the voters. Witness the proposal for an absentee ballot. This amendment was submitted by both the 1937 and 1939 legislatures. Between 1949 and 1957, it was referred by five consecutive legislatures. During the 25-year period 1947 through 1966, the question of absentee voting failed to appear on the ballot only four times.

Another example is the question of reimbursement for legislators. The framers fixed the allowable per diem and mileage into the constitution, making it exceedingly difficult to change except by submission to the voters. It was not until 1953 that legislative per diem was increased from \$10.00 to \$20.00 and it took another 18 years (1971) to increase it to \$40.00 in spite of the great leap in the cost of living during that period. It was another 11 years (1982) before the voters raised the allowance to \$75.00, where it remained for another 14 years before the voters allowed it to be fixed at the per diem rate allowable for Santa Fe in the IRS rules. All in all, the question was presented 19 times to the voters before the fixed rate was changed.

The annual session proposal was first introduced in the legislature in 1953 and thereafter in the legislatures of 1955, 1957, 1959, 1961 and 1963. It was submitted to the voters in 1953, 1960 and 1961 before it was finally adopted in 1964.

There is no ready explanation of why the voters, after rejecting a proposal several times, reverse themselves and adopt it, sometimes with an overwhelming majority. In many instances, there was no major organized opposition or support for the measure. It has been suggested that frequent submission might have a gradual educational value. Then again, it might just be a matter of the mood of the electorate at any particular election. Other factors might be the composition of the ballot, such as the presence of a gubernatorial or presidential race, or the length of the ballot, particularly with respect to the number of constitutional amendments and bond issue questions appearing on it.

VOTING INTEREST

It is common knowledge that New Mexico voters traditionally are less interested in constitutional amendments than they are in the selection of public officers. Maybe one explanation for that might be the difficulty of understanding some of the complicated proposals placed on the ballot with only a brief ballot title to guide voters. Fuller explanations are printed in the legal notice section of newspapers, but few voters are familiar with this portion of their newspaper or they do not read it. The secretary of state and the legislative council service publish analyses of constitutional amendments and those are distributed publicly through the internet and through organizations like the league of women voters.

One customary measurement of voter interest is the comparison of the total vote cast on a proposed amendment with the total vote cast for governor in the same election. Table 4 shows voter nonparticipation on constitutional amendments in general elections from 1911 to 2006. In 1970, for example, on the question of four-year terms for state executive officers, a total of 139,148 votes was cast expressing a "yes" or "no" option. In that same election, 290,364 votes were cast for all candidates for governor. This means that 52 percent of those voting for governor were unconcerned with the question of the term length. Historically, 52 percent is not a high percentage of voter disinterest on constitutional amendments. The extreme level of disinterest was in 1946 when 83.7 percent of those voting for governor failed to express a preference on the questions of eliminating the split-session legislature and limitations on property tax exemptions.

Between the 1982 and 2006 general elections, there was a marked increase in voter interest. The percentage of nonparticipation by voters in the general election ranged from a low in 1994 of 6.9 on CA 8, pertaining to lottery and gaming, to a high of 38.3 in 1982, pertaining to a proposal on the severance tax permanent fund. Viewed another way, the voter participation of 93.1 percent in 1994 on the lottery and gaming amendment was the highest since the 94.9 percent participation vote on the 1911 Blue Ballot Amendment.

SPECIAL VERSUS GENERAL ELECTIONS

In earlier years, the question frequently arose as to whether a proposed amendment fared better at a special election, where there is not the distraction of a ballot of candidates, or at a general election, where there usually is a greater turnout of voters. Historically, New Mexico voters were kinder to constitutional amendments at general elections than at special elections. Excluding the Blue Ballot Amendment, a total of 164 amendments were proposed at general elections compared with 118 at special elections.

Of the 164 amendments submitted at general elections, 100, or 61 percent, were adopted; of the 118 submitted at special elections, 52, or 44 percent, were adopted. Fourteen times the voters have adopted all the amendments on a general election ballot. Only once has this been true of the amendments on a special election ballot.

In 2003, the first special election for constitutional amendments in 30 years took place. Prior to the 2003 special election, the legislature had been reluctant to submit proposed amendments other than at general elections. One possible reason for the past reluctance is the high cost of statewide special elections. The legislature appropriated \$900,000 for the 2003 special election. However, there could be a new trend in special election ballots for constitutional amendments due to the success of the 2003 special election. For the first time in New Mexico history, voters adopted all the amendments on the special election ballot; however, Constitutional Amendment 2, regarding distribution of the land grant permanent fund, was approved by a very slim margin. Some feel the submission of proposed amendments at a special election allows for more promotion and concentrates more voter scrutiny and understanding of what is being proposed. It has also been suggested that some sort of mail-in election ballot might focus more consideration on proposed amendments to the constitution.

Ranked from highest to lowest percent of approval, a comparison of general and special elections indicates the following:

PERCENT OF APPROVAL

1912-2006

<u>General Election</u>		<u>Special Election</u>	
<u>Year</u>	<u>Percent</u>	<u>Year</u>	<u>Percent</u>
1912	100.0	2003	100.0
1914	100.0	1967	87.5
1928	100.0	1933	75.0
1932	100.0	1973	71.4
1938	100.0	1971	70.0
1944	100.0	1955	66.7
1946	100.0	1953	63.6
1962	100.0	1949	60.0
1966	100.0	1965	37.5
1984	100.0	1921	36.4
1996	100.0	1917	33.3
1998	100.0	1961	25.0
2004	100.0	1919	0.0
2006	100.0	1927	0.0
1986	90.9	1935	0.0
1988	85.7	1937	0.0
1964	80.0	1939	0.0
1960	66.7	1951	0.0
1972	66.7		
1974	66.7		
1980	66.7		
2002	66.7		
1958	60.0		
1982	57.1		
1940	50.0		
1948	50.0		
1978	50.0		
1992	50.0		
2000	50.0		
1994	38.5		
1924	33.3		
1976	28.6		
1970	25.0		
1990	20.0		
1926	0.0		
1930	0.0		
1942	0.0		

CONCLUSION

New Mexico was the 47th state to enter the union and consequently has had a relatively short history with respect to the amendment process, one which began in 1911, almost two months before official statehood. Since that date, the voters have considered 286 proposed piecemeal amendments and one entire revision of the 1910 constitution. They have altered that document 153 times, all by the piecemeal amendment process. The legislature has been willing to propose amendments to the people, and voters have been willing to look favorably upon them. At the same time, proposals for a new constitutional convention have been looked upon by the legislature with a general lack of enthusiasm that is matched by a demonstrable lack of concern by the voter. Conventions are costly, uncertain creatures. Perhaps the 1996 change, authorizing a constitutional commission to recommend revision of entire articles by a single amendment, offers an intermediate solution. For the foreseeable future, however, constitutional change will remain the province of piecemeal amendment.

NOTES

1. Thomas J. Mabry, "New Mexico's Constitution in the Making", 19 *New Mexico Historical Review* (April 1943) pp. 183-184.
2. Ibid, p. 184.
3. Charles A. Speiss, chairman of the 1910 convention as quoted in "Proceedings of the Constitutional Convention" (*Press of the Morning Journal*, Albuquerque, 1910) p. 288.
4. 37 Stat. 39.
5. Beauchamp v. Campbell, Civ. No. 5778 (D.N.M. 1966) unreported.
6. Hill v. Stone, 421 U.S. 289, 44 L. Ed. 2d 172 (1975); Prince v. Board of Education, 88 N.M. 548, 543 P.2d 1176 (1975).
7. State of New Mexico ex rel. Boston E. Witt v. State Canvassing Board, 78 N.M. 682, 437 P.2d 143 (1968).
8. 36 *Statutes at Large* 557 (Chapter 310), June 20, 1910.
9. State ex rel. Clark v. State Canvassing Board, 119 N.M. 12, 888 P.2d 458 (1995).

TABLES

CONSTITUTIONAL AMENDMENTS SUBMITTED TO NEW MEXICO VOTERS
(1911-2006)

TABLE 1

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1911	Blue Ballot	19 §§1-5	Amendments to constitution	Nov. 7, 1911
1912	JR 6	21 §5	Compact with U.S., suffrage, qualifications for holding office deleted	Nov. 5, 1912
1913	JR 9	10 §2	Terms of county officers, changed from four to two years	Nov. 3, 1914
	JR 10	8 §§1-7	Property tax	Nov. 3, 1914
	JR 15	5 §1	Terms of executive officers, changed from four to two years	Nov. 3, 1914
1917	JR 15	8 §1	Property tax	-
	JR 16	6 §§12 & 25	Judicial districts	-
	JR 17	23	Prohibition	Nov. 6, 1917*
1919	JR 11	9 §8	Restrictions on state indebtedness	-
	JR 12	7 §6	Absentee voting	-
	JR 13	12 §13	Placing state educational institutions under board of control	-
		14 §3	Creation of board of control for state institutions	-
1921	CA 1	7 §2	Qualifications for holding office	Sept. 20, 1921*
	CA 2	2 §22	Alien land ownership	Sept. 20, 1921*
	CA 3	5 §1	Executive officers	-
	CA 4	8 §5	Head of family and veteran tax exemptions	Sept. 20, 1921*
	CA 5	11 §19	Legislature to establish powers of corporation commission	-
	CA 6	20 §3	Date terms of elective officers begin	-
		4 §5	Length of legislative sessions, schedule for presentation of budget, legislative action on executive budget	-
	CA 7	13 §§1 & 10	Public lands, creating state land commission	-
	CA 8	8 §2	Property tax limitations	-
	CA 9	9 §12	Restrictions on municipal indebtedness	Sept. 20, 1921*
	CA 10	10 §2	Terms of county officers, limited to two terms except for county school superintendents	-
	CA 11	9 §16	State highway bonds	Sept. 20, 1921*
1923	CA 1	10 §2	Terms of county officers, four years	-
	CA 2	5 §1	Terms of executive officers, four years	-
	CA 3	2 §14	Indictment and information, information added	Nov. 4, 1924
1925	CA 1	4 §10	Compensation of legislators, increase	-
	CA 2	24	Apportionment of money from state lands	-

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1927	CA 1	4 §10	Compensation of legislators, increase	-
	CA 2	24	Executive and county officers, four-year terms for state, two-year terms for county	-
	CA 3	21 §11	Consent to exchange of state lands	-
	CA 4	24	Contracts for development and production of minerals on state lands	Nov. 6, 1928
	CA 5	4 §19	Introduction of bills, 45th day	-
1929	CA 1	21 §11	Consent to exchange of state lands	-
	CA 2	12 §6	Five-member state board of education, powers and duties	-
1931	CA 1	21 §11	Consent to exchange of state lands	Nov. 8, 1932
	CA 2	4 §19	Introduction of bills, 45th day	Nov. 8, 1932
1933	CA 1	23	Repeal prohibition	Sept. 19, 1933*
	CA 2	9 §11	Restrictions on school district indebtedness	Sept. 19, 1933*
	CA 3	6 §§1, 12, 13, 16, 17, 23, 25 & 27	Judicial department, compensation of judges, abolish probate courts, etc.	-
	CA 4	8 §2	Property tax 20-mill limitation	Sept. 19, 1933*
1935	CA 1	8 §5	Head of family and veteran tax exemptions, increase	-
	CA 2	5; 12 §6	Five-member state board of education, powers and duties	-
	CA 3	25	Land exchange between New Mexico and U.S.	-
	CA 4	2 §15	Double jeopardy, degrees to be stricken	-
	CA 5	2 §14	Indictment and information	-
1937	CA 1	7 §1	Absentee voting	-
	CA 2	9 §17	Limitation on state institution building bonds	-
	CA 3	10 §2	Terms of county officers, remove two-term limitation	-
	CA 4	5 §1	Terms of executive officers, remove two-term limitation	-
	CA 5	6 §15	District judges pro tempore	Nov. 8, 1938
	CA 6	4 §10	Legislators' compensation	-
1939	CA 1	9 §17	Limitation on state institution building bonds	-
	CA 2	7 §1	Absentee voting	-
	CA 3	4 §5	Split legislative session, 30 and 30 days	Nov. 5, 1940

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1941	CA 1	4 §3	Legislative apportionment	-
	CA 2	4 §§10 & 28	Compensation of legislators, annual salary, appointment to other offices	-
	CA 3	24 §1	Contracts, grazing and agricultural leases, state lands	-
	CA 4	12 §13	Stagger terms, boards of regents, educational institutions	-
	CA 5	4 §5	Split legislative session, 20 and 40 days	-
	CA 6	12 §14	N.M. educational institutions board	-
1943	CA 1	4 §10	Legislators' compensation	Nov. 7, 1944
1945	CA 1	4 §5	Eliminate split legislative session	Nov. 5, 1946
	CA 2	8 §3	Property tax exemptions	Nov. 5, 1946
1947	CA 1	4 §6	Extraordinary session call by legislature	Nov. 2, 1948
	CA 2	4 §9	Eliminate maximum compensation for legislative employees	Nov. 2, 1948
	CA 3	2 §24	Right to work	-
	CA 4	10 §2	Terms of county officers, four years	-
	CA 5	5 §1	Terms of executive officers, four years	-
	CA 6	5 §7	Succession to governorship by lieutenant governor	Nov. 2, 1948
1949	CA 1	7 §1	Absentee voting	-
	CA 2	6 §17	Legislature to set salary of district judges	-
	CA 3	5 §14	Create state highway commission	Sept. 20, 1949*
	CA 4	6 §23	Authorize legislature to bestow civil jurisdiction on probate courts	Sept. 20, 1949*
	CA 5	8 §5	Tax exemptions for heads of families and veterans to include community or joint property	Sept. 20, 1949*
	CA 6	10 §4	Organization of city-county governments	Sept. 20, 1949*
	CA 7	12 §13	Boards of regents, educational institutions, terms	Sept. 20, 1949*
	CA 8	new	Natural resources trust fund	-
	CA 9	4 §10	Legislators' compensation, annual salary	-
	CA 10	4 §3	Legislative apportionment	Sept. 20, 1949*

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1951	CA 1	21 §1	Eliminate prohibition of sale of intoxicating liquors to Indians	-
	CA 2	12 §6 5 §1	State board of education, nine members Delete reference to superintendent of public instruction	-
	CA 3	6 §11	Allow legislature to fix salaries of supreme court justices	-
	CA 4	6 §17	Allow legislature to fix salaries of district judges	-
	CA 5	9 §12	Debt-contracting power of municipalities, election	-
	CA 6	7 §1	Absentee voting	-
	CA 7	4 §10	Legislators' compensation	-
	CA 8	25	Nonpartisan selection of judges	-
1953	CA 1	9 §12	Debt-contracting power of municipalities, elections	-
	CA 2	21 §1	Eliminate prohibition of sale of intoxicating liquors to Indians	Sept. 15, 1953*
	CA 3	4 §22	Governor's veto, approval or rejection within 20 days after adjournment	Sept. 15, 1953*
	CA 4	4 §4	Filling vacancies in legislature	Sept. 15, 1953*
	CA 5	4 §10	Legislators' compensation	Sept. 15, 1953*
	CA 6	8 §5	Tax exemptions for heads of families and veterans	Sept. 15, 1953*
	CA 7	4 §5	Annual legislative sessions	-
	CA 8	6 §11	Allow legislature to fix salaries of supreme court justices	Sept. 15, 1953*
	CA 9	6 §17	Allow legislature to fix salaries of district judges	Sept. 15, 1953*
	CA 10	7 §4	Absentee voting	-
	CA 11	8 §8	Natural resources investment fund	-
1955	CA 1	4 §3	Legislative apportionment	Sept. 20, 1955*
	CA 2	7 §1	Absentee voting	-
	CA 3	5 §14	State highway commission	Sept. 20, 1955*
	CA 4	14 §3	Legislature to prescribe manner of control and management of state institutions	Sept. 20, 1955*
	CA 5	14 §§1 & 3	Confirming certain institutions as state institutions	Sept. 20, 1955*
	CA 6	11	State corporation commission	-

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1957	CA 1	7 §1	Absentee voting	-
	CA 2	12 §6 5 §1	Elected state board of education Delete reference to elected superintendent of public instruction	Nov. 4, 1958
	CA 3	12 §7	Investment of state permanent funds	Nov. 4, 1958
	CA 4	4 §32	Remission, debts due state	Nov. 4, 1958
	CA 5	10 §2	Terms of county officers four years	-
1959	CA 1	4 §4	Stagger terms for state senators	Nov. 8, 1960
	CA 2	4 §5	Annual legislative session	-
	CA 3	4 §19	Time limit on bill introduction, set by legislature	Nov. 8, 1960
	CA 4	14 §1	Confirm institutions as state institutions	Nov. 8, 1960
	CA 5	5 §1	Terms of elected state officials, four years	-
	CA 6	5 §15	Location of executive offices	-
	CA 7	12 §11	Change names of certain state institutions	Nov. 8, 1960
	CA 8	5 §13	Division of counties into county commission districts	Nov. 8, 1960
	CA 9	4 §2	Continuity of government, disaster	Nov. 8, 1960
1961	CA 1	5 §1 10 §2	Terms of executive state officers, four years Terms of county officers, four years	-
	CA 2	5 §14	State highway commission, resubmission of appointments to state senate	Sept. 19, 1961*
	CA 3	17 §1	State mine inspector, legislature to prescribe qualifications	-
	CA 4	7 §1	Absentee voting	-
	CA 5	12 §4	Current school fund, fines and forfeitures, legislature to prescribe administrative costs to be deducted	-
	CA 6	4 §10	Legislators' compensation to be determined by law	-
	CA 7	11 §§1 & 2	State corporation commission	-
	CA 8	4 §5	Annual legislative sessions	-
	CA 9	7 §2	Legislature to establish qualifications of public officers	Sept. 19, 1961*
	CA 10	5 §§1 & 12	Delete state auditor and provisions relating to salaries of officers	-
	CA 11	6 §26	Legislature prescribes qualifications of justices of the peace, police magistrates and constables	Sept. 19, 1961*
1961	CA 12	4 §28	Legislators serve on state board of finance	-

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
(continued)	CA 13	5 §§1 & 2; 7 §5	Election of governor and lieutenant governor on joint ticket	Nov. 6, 1962
1963	CA 1	13 §3	Validating land titles prior to Sept. 4, 1956	Nov. 3, 1964
	CA 2	4 §5	Annual legislative sessions	Nov. 3, 1964
	CA 3	12 §11	Western N.M. university, name change	Nov. 3, 1964
	CA 4	10 §5	H-class county charter	Nov. 3, 1964
	CA 5	7 §1	Absentee voting and removal of voting restriction for women and Indians	-
	CA 6	9 §10	School bond issues, remodeling and additions	Nov. 3, 1964
	CA 7	9 §12	Municipal bonds, special election, nonresident vote	Nov. 3, 1964
	CA 8	4 §18	Permitting tax legislation by reference	Nov. 3, 1964
	CA 9	5 §14	Director, state highway department	-
	CA 10	11 §§5, 7 & 8	Corporation commission, salaries, powers and duties	Nov. 3, 1964
1965	CA 1	4 §10	Legislative compensation	-
	CA 2	12 §7	State permanent fund investments	Sept. 28, 1965*
	CA 3	9 §11	Bonds for remodeling schools	Sept. 28, 1965*
	CA 4	4	Weighted voting, state senate	-
	CA 5	6 §§1, 2, 3 & 29	Establish court of appeals	Sept. 28, 1965*
	CA 6	4 §42	Establish legislative auditor	-
	CA 7	19 §5	Constitutional amendment procedure	-
	CA 8	16	District court water appeals	-
	CA 9	19 §1	Constitutional amendment procedure	withdrawn
	CA 10	6 §§1, 18, 21, 26, 27, 30 & 31	Abolish justices of the peace, establish magistrate courts	Nov. 8, 1966
1966	none enacted			

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1967	CA 1	9 §14	Permit economic development loans	-
	CA 2	8 §4	Public money deposit in savings and loan associations	Nov. 7, 1967*
	CA 3	24	Geothermal steam development on public lands	Nov. 7, 1967*
	CA 4	5 §14	State highway commission	Nov. 7, 1967*
	CA 5	16 §5	District court water appeals	Nov. 7, 1967*
	CA 6	6 §32	Judicial discipline and removal	Nov. 7, 1967*
	CA 7	7 §1	Absentee voting and removal of voting restriction for women and Indians	Nov. 7, 1967*
	CA 8	8 §2	Property tax, elections, exceeding 20-mill limitation	Nov. 7, 1967*
1968	none enacted			
1969	CA 1	8 §1	Property tax, property classification	**
	CA 2	8 §5	Property tax, personal exemption	**
	CA 3	12 §4	Current school fund levy	**
	CA 4	10 §6	Municipal home rule	withdrawn
1970	CA 1	10 §6	Municipal home rule	Nov. 3, 1970
	CA 2	7	Elective franchise	-
	CA 3	5 §1	Terms of state executive officers, four years	Nov. 3, 1970
	CA 4	12 (repeal §4)	Current school fund, state levy	-
	CA 5	19 §5	Amendment procedure	-
	CA 6	12 §13	Board of regents, removal	-
	CA 7	9 §14	Student loan payments	-
	CA 8	8	Taxation and revenue	-
1971	CA 1	7 §1	Lower voting age to 18	-
	CA 2	4 §10	Legislative compensation, \$40 per diem	Nov. 2, 1971*
	CA 3	2 §6	Right to bear arms	Nov. 2, 1971*
	CA 4	20 §17	Uniform system of textbooks	Nov. 2, 1971*
	CA 5	9 §14	Vietnam veterans' scholarships	Nov. 2, 1971*
	CA 6	8 §1	Property tax, property classification	Nov. 2, 1971*
	CA 7	8 §3	Property tax, exempt water-user cooperatives	-
	CA 8	19 §5	Amendment procedures	-
	CA 9	20	Pollution control	Nov. 2, 1971*
	CA 10	12 §4	Current school fund, state levy	Nov. 2, 1971*

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1972	CA 1	2 §18	Equal rights	Nov. 7, 1972
	CA 2	8 §3	Property tax exemptions	Nov. 7, 1972
	CA 3	2 §12	Six-man juries	-
1973	CA 1	7 §2	Sex discrimination in qualifications for office	Nov. 6, 1973*
	CA 2	8 §5	Sex discrimination in veterans' property tax exemptions	Nov. 6, 1973*
	CA 3	12	Local school board recall	Nov. 6, 1973*
	CA 4	7 §1	Qualifications for voting	-
	CA 5	10	Five-member board of county commissioners, four-year terms, class A counties	Nov. 6, 1973*
	CA 6	8 §8	Freeport personal property tax exemption	Nov. 6, 1973*
	CA 7	10 §2	Age limitation on county officers, two-year unlimited terms	-
1974	CA 1	4 §10	Legislative compensation commission	-
	CA 2	8	Tax levy or assessment prohibited by political subdivision with appointed board	Nov. 5, 1974
	CA 3	9 §14	Loans to students of healing arts	Nov. 5, 1974
1975	CA 1	10 §2	Terms of county officers, two-term limitation removed	-
	CA 2	5 §1	Terms of state executive officers, two four-year terms, limitation	-
	CA 3	8 §3	Property tax, permit legislature to exempt certain interests in property owned by tax-exempt entity	-
	CA 4	12	Appointive state board of education, state department of education	-
	CA 5	10 §7	Five-member board of county commissioners, four-year terms, class B counties	-
	CA 6	8	Severance tax permanent fund	Nov. 2, 1976
1976	CA 7	4	Legislature, number of members	Nov. 2, 1976
1977	CA 1	6 §32	Judicial conduct	Nov. 7, 1978
	CA 2	6 §15	Retired judges, appointment	Nov. 7, 1978
1978	CA 3	8	Postponement of property taxes for elderly	-
	CA 4	4 §10	Annual legislative salary	-

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1979	CA 1	10 §7	Dona Ana county board of commissioners, five members	Nov. 4, 1980
	CA 2	12 §15	Albuquerque school district, seven-member board	Nov. 4, 1980
	CA 3	2 §13	Denial of bail	Nov. 4, 1980
	CA 4	5 §1	State officers, two consecutive terms	-
	CA 5	2 §14	Grand jury convention petition, signature increase	Nov. 4, 1980
1980	CA 6	4 §10	Legislative per diem and mileage increase	-
1981	CA 1	6 §§4, 10, 12, 14, 16, 28, 33, 34, 35 & 36; 20 §4	Merit selection of judges	-
	CA 2	8 §10	Severance tax permanent fund	Nov. 2, 1982
	CA 3	8 §11	\$3,000 income tax exemption for national guard	-
1982	CA 4	10 §2	County sheriffs, unlimited two-year terms	-
	CA 5	4 §10	Legislative per diem and mileage increase	Nov. 2, 1982
	CA 6	11 §7	Yellow pages amendment	Nov. 2, 1982
	CA 7	9 §10	County indebtedness for water and sewer systems, sanitary landfills and airports	Nov. 2, 1982
1983	none enacted			
1984	CA 1	10 §8	State regulation mandated county or municipal services	Nov. 6, 1984
1985	CA 1	12 §14	Local school boards, recall	Nov. 4, 1986
	CA 2	2 §6	Right to keep and bear arms	Nov. 4, 1986
	CA 3	5 §13	Governing bodies, single-member districts	Nov. 4, 1986
	CA 4	8 §4	Public money deposits	Nov. 4, 1986
1986	CA 5	12 §4	Disposition of forfeitures	Nov. 4, 1986
	CA 6	4 (new section)	Interim hearings by senate on confirmations	Nov. 4, 1986
	CA 7	12 §6	State board of education, expand and enhance control	Nov. 4, 1986
	CA 8	12 §13	UNM board of regents, increase	Nov. 4, 1986
	CA 9	10 §2	County officers, four consecutive terms	-
	CA 10	3 §1	Workmen's compensation body	Nov. 4, 1986
	CA 11	5 §1	State executive officers, two consecutive four-year terms	Nov. 4, 1986
1987	none enacted			

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1988	CA 1	4 §10	Legislative retirement	-
	CA 2	5 §5	Gubernatorial removal of appointees	Nov. 8, 1988
	CA 3	8 §5	Head-of-family exemption	Nov. 8, 1988
	CA 4	9 §10	County bond issues	Nov. 8, 1988
	CA 5	2 §13	Bail for convicted persons	Nov. 8, 1988
	CA 6	6 §§4, 8, 12, 14, 16, 19, 26, 28, 33 (new), 34 (new), 35 (new), 36 (new), 37 (new), 38 (new); 20 §4	Judicial reform, merit selection	Nov. 8, 1988
	CA 7	10 §7	Boards of county commissioners, five members, staggered terms, four years	Nov. 8, 1988
1989	CA 1	12 §7	Permanent school funds management	Nov. 6, 1990
1990	CA 2	12 §7	Permanent school funds investment	-
	CA 3	4 §10	Legislative per diem and salary	-
	CA 4	9 §17 (new)	State financial obligations	-
	CA 5	21 §12 (new)	Land exchange authority	-
1991	CA 1	9 §10	County indebtedness restrictions	-
1992	CA 2	2 §24	Crime victims' rights	Nov. 3, 1992
	CA 3	10 §§2 & 7	Terms for elected county officials	Nov. 3, 1992
	CA 4	4 §10	Legislative compensation commission	-
1993	CA 1	12 (repeal §14)	Local school board member recall	-
	CA 2	12 §14	Grand jury signatures	Nov. 8, 1994
	CA 3	12 §13	Board of regents, student member	Nov. 8, 1994
	CA 4	5 §14	Hwy comsn name change	-
	CA 5	4 §10	Legislative per diem	withdrawn
	CA 6	9 §10	Authorize certain county debt	-
	CA 7	14 §1	N.M. state hospital name change	-
	CA 8	20 §22	Lottery and certain games of chance	***
	CA 9	9 §14	Public support of economic development	Nov. 8, 1994
1994	CA 10	6 §§33 & 34	Judicial retention elections	Nov. 8, 1994
	CA 11	7 §1	Voter qualifications	-
	CA 12	8 §10	Severance tax permanent fund distribution	-
	CA 13	12 §2	Land grant permanent fund distribution and investment	-
	CA 14	4 §10	Legislative per diem	-
1995	none enacted			

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
1996	CA 1	8 §10; 12 §§2, 4 & 7	State permanent funds	Nov. 5, 1996
	CA 2	9 §11	School district debt	Nov. 5, 1996
	CA 3	10 (new)	Recall county officers	Nov. 5, 1996
	CA 4	19 §§1 & 2 (repeal §5)	Const. amend. process	Nov. 5, 1996
	CA 5	4 §10	Legislative per diem and mileage	Nov. 5, 1996
	CA 6	11 (repeal §§ 1-12; 15-17)	Create public regulation comsn, repeal corporation commission	Nov. 5, 1996
	CA 7	9 §10	County-bonded indebtedness for certain projects	Nov. 5, 1996
1997	CA 1	8 §1	Residential property valuation for property tax purposes	Nov. 3, 1998
	CA 2	6 §32	Judicial standards commission membership	Nov. 3, 1998
	CA 3	10 §2	Limits on holding county office	Nov. 3, 1998
1998	CA 4	20 (new §22)	PERA and ERA trust funds	Nov. 3, 1998
	CA 5	8 (new §15)	Property tax exemption for disabled veterans	Nov. 3, 1998
1999	CA 1	10 (new §§10 & 11)	Creation of Bernalillo urban county and creation of united Bernalillo county-Albuquerque urban government	Nov. 7, 2000
	CA 2	10 §2	Eliminate term limits for county elected officials	-
2000	none enacted			
2001	CA 1	8 §5	Veterans' property tax exemption	Nov. 5, 2002
	CA 2	7 §1	Voter qualifications	-
	CA 3	6 (repeal §25)	Judicial districts	Nov. 5, 2002
	CA 4	2 (repeal §22)	Non-citizens ownership of property	-
	CA 5	8 §15	Disabled veteran property tax exemption	Nov. 5, 2002
	CA 6	9 §14	Donation by state, county or municipality of land, buildings or costs of infrastructure for affordable housing	Nov. 5, 2002
	CA 7	20 (new §23)	Cesar Chavez holiday	-
	CA 8	9 §4	Vietnam veterans' scholarship eligibility	Nov. 5, 2002
	CA 9	5 §14	Change state highway commission to state transportation commission	Nov. 5, 2002
2002	none enacted			

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

TABLE 1
(continued)

LEGISLATURE	AMENDMENT NUMBER	ARTICLE AND SECTION	SUBJECT	ADOPTED
2003	CA 1	12 §6	Cabinet-level public education department	Sept. 23, 2003 *
	CA 2	12 §7	Land grant permanent fund distributions	Sept. 23, 2003 *
	CA 3	7 §5	Runoff elections for municipalities	Nov. 2, 2004
	CA 4	8 §5	Veterans' property tax exemption	Nov. 2, 2004
2004	CA 5	12 §11	Change New Mexico school for the visually handicapped to New Mexico school for the blind and visually impaired	Nov. 2, 2004
2005	CA 1	2 §22	Protection of right to own property	Nov. 7, 2006
	CA 2	9 §8	Building lease agreements for state	Nov. 7, 2006
2006	CA 3	16	Water trust fund	Nov. 7, 2006
	CA 4	9 §14	Local government affordable housing	Nov. 7, 2006

*Special election

**Submission conditioned upon action of constitutional convention - automatically withdrawn

***Not certified by order of state supreme court

DISPOSITION OF PROPOSED AMENDMENTS TO THE CONSTITUTION OF NEW MEXICO
(1911 - 2006)

TABLE 2

DATE OF ELECTION	GENERAL	SPECIAL	REJECTED	ADOPTED	PERCENT ADOPTED
Nov. 7, 1911	1*		0	1	100.0
Nov. 5, 1912	1		0	1	100.0
Nov. 3, 1914	3		0	3	100.0
Nov. 6, 1917		3	2	1	33.3
Sept. 16, 1919		3	3	0	0
Sept. 20, 1921		11	7	4	36.4
Nov. 4, 1924	3		2	1	33.3
Nov. 2, 1926	2		2	0	0
Nov. 8, 1927		4	4	0	0
Nov. 6, 1928	1		0	1	100.0
Nov. 4, 1930	2		2	0	0
Nov. 8, 1932	2		0	2	100.0
Sept. 19, 1933		4	1	3	75.0
Sept. 17, 1935		5	5	0	0
Sept. 21, 1937		5	5	0	0
Nov. 8, 1938	1		0	1	100.0
Sept. 16, 1939		1	1	0	0
Nov. 5, 1940	2		1	1	50.0
Nov. 3, 1942	6		6	0	0
Nov. 7, 1944	1		0	1	100.0
Nov. 5, 1946	2		0	2	100.0
Nov. 2, 1948	6		3	3	50.0
Sept. 18, 1951		10	4	6	60.0
Sept. 20, 1949		8	8	0	0
Sept. 15, 1953		11	4	7	63.6
Sept. 20, 1955		6	2	4	66.7
Nov. 4, 1958	5		2	3	60.0
Nov. 8, 1960	9		3	6	66.7
Sept. 19, 1961		12	9	3	25.0
Nov. 6, 1962	1		0	1	100.0
Nov. 3, 1964	10		2	8	80.0
Sept. 28, 1965		8	5	3	37.5
Nov. 8, 1966	1		0	1	100.0
Nov. 7, 1967		8	1	7	87.5
Nov. 3, 1970	8		6	2	25.0
Nov. 2, 1971		10	3	7	70.0
Nov. 7, 1972	3		1	2	66.7
Nov. 6, 1973		7	2	5	71.4
Nov. 5, 1974	3		1	2	66.7
Nov. 2, 1976	7		5	2	28.6
Nov. 7, 1978	4		2	2	50.0
Nov. 4, 1980	6		2	4	66.7
Nov. 2, 1982	7		3	4	57.1
Nov. 6, 1984	1		0	1	100.0
Nov. 4, 1986	11		1	10	90.9
Nov. 8, 1988	7		1	6	85.7
Nov. 6, 1990	5		4	1	20.0
Nov. 3, 1992	4		2	2	50.0
Nov. 8, 1994	13		8	5	38.5
Nov. 5, 1996	7		0	7	100.0
Nov. 3, 1998	5		0	5	100.0
Nov. 7, 2000	2		1	1	50.0
Nov. 5, 2002	9		3	6	66.7
Sept. 23, 2003		2	0	2	100.0
Nov. 2, 2004	3		0	3	100.0
Nov. 7, 2006	4		0	4	100.0
Total	168	118	129	157	54.3
TOTAL LESS BLUE BALLOT	163	118	129	152	54.1

* Blue Ballot voted on at what was deemed the first state general election by congress even though held in an odd-numbered year.

AMENDMENTS OF ARTICLES OF THE CONSTITUTION OF NEW MEXICO
(1911 - 2006)

TABLE 3

ARTICLE	GENERAL SUBJECT	YEAR AMENDED (No. Times)	Total No. Times
1	Name and Boundaries		0
2	Bill of Rights	1921; 1924; 1971; 1972; 1980(2); 1985; 1988; 1992; 1994	10
3	Distribution of Powers	1986	
4	Legislative Department	1932; 1940; 1944; 1946; 1948(2); 1949; 1953(3); 1955; 1958; 1960(3); 1964(2); 1971; 1976; 1982; 1986; 1996	22
5	Executive Department	1914; 1948; 1949; 1955; 1960; 1962; 1967; 1970; 1986(2); 1988; 2001	12
6	Judicial Department	1938; 1949; 1953(2); 1961; 1965; 1966; 1967; 1978(2); 1988; 1994; 1997; 2001	14
7	Elective Franchise	1921; 1961; 1962; 1967; 1973; 2004	6
8	Taxation and Revenue	1914; 1921; 1933; 1946; 1949; 1953; 1967(2); 1971; 1972; 1973(2); 1974; 1976; 1982; 1986; 1997; 1998; 2001(2); 2004	21
9	State, County & Municipal Indebtedness	1921; 1933; 1964(2); 1965; 1971; 1974; 1982; 1988; 1996; 2001(2); 2005	13
10	County & Municipal Government	1914; 1949; 1964; 1970; 1973; 1980; 1984; 1985; 1992; 1996; 1997; 1999; 2006	13
11	Private Corporations and Utilities	1964; 1982; 1996	3
12	Education	1949; 1958(2); 1960; 1964; 1965; 1971; 1973; 1980; 1986(4); 1990; 1994; 1996(2); 2003(2); 2004	20
13	Public Lands	1964	1
14	Public Institutions	1955(2); 1960	3
15	Department of Agriculture		0
16	Irrigation & Water Rights	1967; 2006	2
17	Mines and Mining	1961	1
18	Militia		0
19	Amendment Procedures	1911; 1996	2
20	Miscellaneous	1971(2); 1988; 1998; 2005	5
21	Compact with United States	1912; 1932; 1953	3
22	Schedule of Transition to Statehood		0
23	Intoxicating Liquors	1917; 1933	2
24	Leases on State Lands	1928; 1967	2

*No corresponding vote for governor in this election

**Not a constitutional amendment

***Not certified by order of the supreme court

NONPARTICIPATION ON PROPOSED CONSTITUTIONAL AMENDMENTS SUBMITTED AT GENERAL ELECTIONS
IN NEW MEXICO
(1911-2006)

TABLE 4

YEAR	SUBJECT	VOTE ON PROPOSED CA		PERCENT OF TOTAL VOTE CAST FOR GOV NOT CAST FOR PROPOSED CA
		YES	NO	
1911	Amending procedure	34,897	22,831	5.1
1912	Qualification for holding office	26,663	13,678	*
1914	Two-year terms for county officers	20,295	12,125	*
1914	Property tax	18,468	13,593	*
1914	Two-year terms for executive officers	18,472	12,257	*
1924	Four-year terms for county officers	20,685	28,363	57.4
1924	Four-year terms for executive officers	21,367	26,972	58.0
1924	Indictment and information	28,420	21,166	56.9
1926	Increased compensation for legislators	20,338	21,278	61.0
1926	Apportionment of state land money	18,788	23,560	60.3
1928	Development of minerals on state lands	40,650	9,774	57.5
1930	Consent to exchange of state lands	23,883	34,467	50.5
1930	Five-member state board of education	17,582	40,802	50.4
1932	Consent to exchange of state lands	36,575	16,349	65.0
1932	Forty-five day limitation on introduction of bills	34,028	14,737	67.8
1938	District judge pro tempore	44,503	18,601	60.0
1940	Absentee voting	41,322	21,737	66.0
1940	Split legislative sessions	31,490	28,415	67.7
1942	Apportionment of legislature	12,490	20,879	69.3
1942	Annual legislative salaries	11,565	21,922	69.2
1942	Contracts for grazing and agricultural leases	14,589	17,624	70.4
1942	Staggered terms for educational boards of regents	13,648	18,849	70.1
1942	Split legislative sessions	10,516	20,808	71.2
1942	New Mexico educational institutions board	10,123	21,204	71.2
1944	Increased compensation of legislators	26,547	23,041	66.4
1946	Elimination of split session	15,915	5,676	83.7
1946	Property tax exemptions	15,645	6,925	83.0
1948	Call of special session by legislature	36,166	24,184	68.3
1948	Compensation for legislative employees	31,172	29,633	68.0
1948	Right to work	43,229	60,865	45.2
1948	Four-year terms for county officers	27,349	31,981	68.7
1948	Four-year terms for state executive officers	28,914	30,364	68.8
1948	Succession to governorship by lieutenant governor	35,730	22,193	69.5
1958	Absentee voting	69,567	19,061	56.8
1958	Elected state board of education	48,884	41,795	55.8
1958	Investment of state permanent funds	56,877	26,332	59.4
1958	Remission of debts due state	58,347	28,802	57.5
1958	Four-year terms for county officers	41,443	44,442	58.1
1960	Staggered terms for state senators	61,842	61,522	59.6
1960	Annual legislative sessions	58,405	61,340	60.8
1960	Time limit on bill introduction set by legislature	58,840	56,532	62.2
1960	Confirming state institutions	75,987	47,724	59.5
1960	Four-year terms for state executive officers	49,751	71,987	60.1
1960	Location of executive offices in Santa Fe	44,244	70,872	62.3
1960	Change names of certain state institutions	74,256	44,823	61.0
1960	Division of counties into county commission districts	58,477	58,102	61.9
1960	Continuity of government in case of disaster	83,742	37,591	60.3
1962	Joint election of governor and lieutenant governor	41,435	22,283	54.8
1964	Validating land titles prior to Sept. 4, 1956	72,258	49,758	61.6
1964	Annual legislative sessions	71,499	50,785	61.5
1964	Western N.M. university, name change	89,084	31,788	62.0
1964	H-class county charter	82,163	34,663	63.3
1964	Absentee voting, removal of voting restrictions for women and Indians	106,579	23,694	59.0
1964	School bond issues, remodeling and additions	70,619	47,858	62.8
1964	Municipal bonds, special elections, nonresident voting	63,791	53,237	63.2
1964	Permitting tax legislation by reference	62,129	51,937	64.2
1964	Director, state highway department	54,547	63,306	62.9
1964	Corporation commission, salaries, powers and duties	72,224	41,103	64.4
1966	Abolishing justices of the peace, establishing magistrate courts	81,055	26,317	58.7
1968	[To call a constitutional convention]**	80,242	35,997	63.5
1970	Municipal home rule	77,095	60,867	52.4

*No corresponding vote for governor in this election

**Not a constitutional amendment

***Not certified by order of the supreme court

TABLE 4
(continued)

YEAR	SUBJECT	VOTE ON <u>PROPOSED CA</u>		PERCENT OF TOTAL VOTE CAST FOR GOV NOT <u>CAST FOR PROPOSED CA</u>
		YES	NO	
1970	Elective franchise article	67,299	63,279	55.0
1970	Four-year terms for state executive officers	79,722	59,426	52.0
1970	Current school fund levy repeal	60,531	68,720	55.5
1970	Amending procedure	57,778	67,889	56.7
1970	Board of regents removal	56,047	74,927	54.9
1970	Student loan program	57,864	78,061	53.2
1970	Taxation and revenue article	65,552	71,537	52.8
1972	Equal rights	155,633	64,823	*
1972	Property tax exemptions, certain interests	141,622	73,386	*
1972	Six-man juries	83,498	128,595	*
1974	Legislative compensation commission	47,104	75,618	62.7
1974	Political subdivisions, taxing powers	62,103	62,083	62.2
1974	Loans to students of healing arts	77,761	49,294	61.3
1976	Terms of county officers, two-term limitation removed	91,755	190,645	*
1976	Terms of state executive officers, two four-year terms limitation	117,167	181,201	*
1976	Property tax exemption, certain interest	110,232	155,761	*
1976	Appointive state board of education	94,258	157,986	*
1976	Five-member board of county commissioners, four-year terms class B counties	110,893	133,708	*
1976	Severance tax permanent fund	155,365	99,836	*
1976	Legislature, number of members	130,364	115,684	*
1978	Judicial conduct	142,468	53,660	43.3
1978	Retired judges, appointment	103,611	87,969	44.5
1978	Postponement of property taxes for elderly	78,796	113,034	44.5
1978	Annual legislative salary	90,068	103,213	44.0
1980	Dona Ana board of county commissioners	132,542	100,449	*
1980	Albuquerque school district, seven-member board	147,035	95,385	*
1980	Denial of bail	157,992	88,033	*
1980	State officers, two consecutive terms	107,676	138,393	*
1980	Grand jury convention petition	124,996	108,056	*
1980	Legislative per diem and mileage increase	105,693	138,339	*
1982	Merit selection of judges	117,601	139,643	36.8
1982	Severance tax permanent fund	125,727	125,324	38.3
1982	National guard service pay tax exemption	113,247	143,574	37.0
1982	County sheriffs, unlimited terms	109,611	142,871	38.0
1982	Legislative per diem and mileage increase	148,486	112,763	35.9
1982	Yellow pages amendment	201,014	60,212	35.9
1982	County indebtedness	156,113	97,644	37.7
1984	State-mandated county services	220,101	64,684	*
1986	Local school board recall	178,149	103,483	28.7
1986	Right to keep and bear arms	179,716	111,517	26.3
1986	Government bodies, single-member district	181,880	84,964	32.4
1986	Public money deposits	198,766	78,948	33.9
1986	Disposition of forfeitures	181,813	93,731	30.3
1986	Interim hearings on confirmations	161,322	103,134	33.1
1986	State board of education	142,909	126,928	31.7
1986	UNM board of regents	164,385	108,118	30.6
1986	County officers' terms	119,504	156,177	30.2
1986	Workmen's compensation body	173,989	92,419	32.5
1986	State executive officers' terms	168,850	106,013	30.5
1988	Legislative retirement	162,657	207,133	*
1988	Gubernatorial removal of appointees	224,091	145,206	*
1988	Head-of-family exemption	282,926	93,218	*
1988	County bond issues	228,519	140,676	*
1988	Bail for convicted persons	278,909	95,156	*
1988	Judicial reform	203,509	159,957	*
1988	Board of county commissioners, five members, terms	203,309	123,799	*
1990	Permanent school funds management	189,456	125,779	23.3
1990	Permanent school funds investment	137,565	169,859	25.2
1990	Legislative per diem and salary	78,643	234,497	23.9
1990	State financial obligations	97,460	210,575	25.1
1990	Land exchange authority	129,889	177,245	25.3
1992	County indebtedness restrictions	225,749	246,366	*
1992	Crime victims' rights	324,509	148,419	*

*No corresponding vote for governor in this election

**Not a constitutional amendment

***Not certified by order of the supreme court

TABLE 4
(continued)

YEAR	SUBJECT	VOTE ON <u>PROPOSED CA</u>		PERCENT OF TOTAL VOTE CAST FOR GOV NOT <u>CAST FOR PROPOSED CA</u>
		YES	NO	
1992	Terms for county elected officials	317,887	151,625	*
1992	Legislative compensation commission	215,628	245,159	*
1994	Local school board recall	115,441	281,588	15.1
1994	Grand jury petitions	203,496	192,459	15.3
1994	Student regent	238,458	165,119	13.7
1994	Highway commission, rename	174,276	223,455	14.9
1994	County bonds	192,861	210,001	13.8
1994	State hospital, rename	166,636	231,931	14.8
1994	Lottery and gaming***	234,988	200,321	6.9
1994	Anti-donation	209,019	186,505	15.4
1994	Judicial retention	222,910	166,639	16.7
1994	Voter qualification	172,111	210,576	18.2
1994	Severance tax permanent fund	173,924	208,556	18.2
1994	Land grant permanent fund	187,216	192,492	18.8
1994	Legislative per diem	181,842	212,885	15.6
1996	Permanent funds	307,442	153,021	*
1996	School district debt	238,126	230,850	*
1996	County official recall	330,258	132,969	*
1996	Constitutional amendment process	294,328	166,415	*
1996	Legislative per diem	309,927	155,265	*
1996	Corp comsn repeal; public regulation comsn	232,788	221,693	*
1996	County bonds	228,751	227,580	*
1998	Residential property valuation for property tax	261,507	169,513	13.6
1998	Judicial standards commission membership	213,354	199,143	14.9
1998	Limits on holding county office	288,419	136,010	14.9
1998	PERA and ERA trust funds	336,043	97,716	13.0
1998	Property tax exemption for disabled veterans	279,787	143,585	15.1
2000	Creation of Bernalillo urban county	261,323	225,439	*
2000	Eliminate term limits for county elected officials	134,319	376,706	*
2002	Veterans' property tax exemption	311,429	123,238	10.2
2002	Voter qualification	183,943	243,437	11.7
2002	Judicial districts	284,644	129,350	14.5
2002	Non-citizen ownership of property	199,683	233,018	10.6
2002	Disabled veteran property tax exemption	315,036	118,818	10.4
2002	Donation by state, county or municipality	239,388	190,380	11.2
2002	Cesar Chavez holiday	159,536	277,523	#9.7
2002	Vietnam veterans' scholarship eligibility	303,443	127,954	10.9
2002	Change name of state highway commission	216,734	205,489	12.8
2003	Cabinet-level public education department	101,542	83,155	*
2003	Land grant permanent fund distributions	92,198	92,003	*
2004	Runoff elections for municipalities	419,251	214,844	*
2004	Veterans' property tax exemption	452,386	212,297	*
2004	Change name of school for the blind	462,144	188,026	*
2006	Protection of right to own property	330,309	142,568	25.5
2006	Building lease agreement for state	337,019	149,344	26.7
2006	Water trust fund	312,764	163,136	29.2
2006	Local government affordable housing	266,861	213,468	38.2

*No corresponding vote for governor in this election

**Not a constitutional amendment

***Not certified by order of the supreme court

REPETITION OF SUBJECT MATTER IN PROPOSED CONSTITUTIONAL AMENDMENTS
(1912-2006)

TABLE 5

SUBJECT	LEGISLATURE (No. times)	TOTAL NO. TIMES PROPOSED
Terms - County Officers	1913; 1921; 1923; 1927; 1937; 1947; 1957; 1961; 1973(2); 1975(2); 1982; 1986; 1988; 1992; 1997; 1999	18
Terms - State Officers	1913; 1923; 1927; 1937; 1947; 1959; 1961; 1970; 1975; 1979; 1986	11
Compensation of Legislators	1925; 1927; 1937; 1941; 1943; 1949; 1951; 1953; 1961; 1965; 1971; 1974; 1978; 1980; 1982; 1990; 1992; 1994; 1996	19
Legislative Sessions	1921; 1939; 1941; 1945; 1947; 1953; 1959; 1961; 1963	9
Bill Introduction	1927; 1931; 1959	3
Absentee Voting	1919; 1937; 1939; 1949; 1951; 1953; 1955; 1957; 1961; 1963; 1967	11
Compensation of Judges	1933; 1949; 1951(2); 1953(2)	6
Judicial Districts	1917; 1933; 2001	3
Qualifications of Officials	1912; 1921; 1961(2); 1973	5
Boards of Regents for Educational Institutions	1919; 1941(2); 1949; 1970; 1994	6
State Board of Education Composition*	1929; 1935; 1951; 1957; 1975; 1986; 2003	7
State Corporation Commission Powers	1921; 1955; 1961; 1963; 1982; 1996	6
Veterans' Tax Exemptions	1921; 1935; 1953; 1998; 2001(2); 2003	7

*The State Board of Education was eliminated and replaced with the Public Education Commission when the voters approved Constitutional Amendment 1 in the special election in September 2003.

VOTE ON SECOND CONSTITUTIONAL CONVENTION QUESTIONS
(1968 - 1969)

TABLE 6

<u>COUNTY</u>	<u>NOV. 5, 1968</u> <u>TO CALL CONSTITUTIONAL CONVENTION</u>			<u>DEC. 9, 1969</u> <u>TO RATIFY PROPOSED</u> <u>CONSTITUTION</u>		
	YES	NO	TOTAL	YES	NO	TOTAL
Bernalillo	38,814	8,057	46,871	28,368	15,303	43,671
Catron	91	239	330	134	351	485
Chaves	4,467	2,837	7,304	2,289	1,449	3,738
Colfax	821	499	1,320	576	1,135	1,711
Curry	1,411	1,990	3,401	798	2,319	3,117
DeBaca	180	243	423	193	238	431
Dona Ana	4,918	2,156	7,074	4,324	1,761	6,085
Eddy	2,500	2,112	4,612	2,379	1,964	4,343
Grant	967	992	1,959	399	1,614	2,013
Guadalupe	146	123	269	119	590	709
Harding	87	156	243	84	209	293
Hidalgo	204	302	506	100	338	438
Lea	2,073	2,212	4,285	1,053	3,381	4,434
Lincoln	592	440	1,032	375	636	1,011
Los Alamos	2,450	761	3,211	3,043	1,205	4,248
Luna	826	620	1,446	361	1,088	1,449
McKinley	1,696	611	2,307	1,037	620	1,657
Mora	92	77	169	81	878	959
Otero	1,741	1,186	2,927	1,418	1,951	3,369
Quay	936	956	1,892	670	786	1,456
Rio Arriba	710	939	1,649	638	3,432	4,070
Roosevelt	854	1,249	2,103	527	1,472	1,999
Sandoval	834	240	1,074	923	946	1,869
San Juan	3,626	1,635	5,261	1,688	3,102	4,790
San Miguel	858	503	1,361	750	2,732	3,482
Santa Fe	4,185	1,956	6,141	2,906	6,989	9,895
Sierra	256	577	833	369	825	1,194
Socorro	806	346	1,152	531	1,070	1,601
Taos	683	403	1,086	669	1,605	2,274
Torrance	288	280	568	418	596	1,014
Union	200	544	744	246	727	973
Valencia	1,930	756	2,686	2,219	2,075	4,294
Totals	80,242	35,997	116,239	59,685	63,387	23,072